Scott's Jack London Seafood Inc. and the Port of Oakland, Violation Report/Complaint for Administrative Imposition of Civil Penalties

Revised Index of Administrative Record (3/24/17)

Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing. Dated March 31, 2005 Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing. 3/L Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing. Dated March 31, 2005 Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing. Dated April 7, 2008 Cetter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing. Dated April 7, 2008 Communication between RDC0 Staff and permittees, dated December 14, 2011 and January 13, 2012 Communication between RDC0 staff and permittees, dated December 14, 2011 and January 13, 2012 Communications between RDC0 staff and permittees, dated Potrury I (meeting), March 12 (submittal from Scott's), March 26 (letter to Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 26 (letter to Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 26 (letter to Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 26 (letter to Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 26 (letter to Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 26 (letter to Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 26 (letter), Submittal from Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 12 (submittal from Scott's), July 10 (meeting), March 12 (submittal from Scott's), March 12 (submittal from Scott's), July 10 (meeting), March 12 (submittal from Scott's), Mar		Document Description	Date
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24 Cushman and Wakefield 12/1 Email from Linda Meyer to Margie Turrel, dated April 8, 2013, called "Pavilion Use Dates 2013-14 and	-		12/12/13
Email from Linda Meyer to Margie Turrel, dated April 8, 2013, called "Pavilion Use Dates 2013-14 and	- 1		12/19/13
			12/13/13
	- 1	attachment (forwarded to Adrienne Klein by Jenni Koidal)	4/8/13
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			2/10/14
			2/10/14 2/10/14
	38	rnotographs and e-filali from Lee fluo, san Francisco Bay Ifali, dated February 10, 2014	
	I.	Communications between BCDC staff and permittees dated April 17 May 0 May 15 May 10 May 10 May	4/17/14, 5/9/14, 5/15/14, 5/19/14, 5/20/14, 5/21/14, 5/22/14, 5/22/14
	- 1		5/20/14, 5/21/14, 5/23/14, 5/28/14,
	- 1		7/9/14, 7/25/14, 9/7/14, 9/23/14
Report from Jennifer Koidal, General Manager, Cushman & Wakefield of California, Inc., dated March 12,	- 1	•	2/22/24
	_ F		3/12/14
			3/12/14
Series of email messages between April 18 and July 24, 2014, between Deputy Port Attorney Joshua Safran	- 1	series di email messages perween April 18 and July 24, 2014, perween Deputy Port Attorney Joshua Safran	
			4/40/2044 7/24/2044
43 Observations by Soan Balmer, Congral Manager, Vinesid's Bestevrent		and BCDC Staff Counsel John Bowers, regarding the legal instrument Observations by Sean Palmer, General Manager, Kincaid's Restaurant	4/18/2014 - 7/24/2014 4/28/14

Document Description	Date
Observations by Tammy Borichevsky, California Canoe and Kayak, in an email dated April 28, 2014	4/28/14
Photograph attached to the letter, dated April 30, 2014, to Mr. Fagalde from Jennifer Koidal, Cushman and	
45 Wakefield	4/30/14
Letter dated May 16, 2014,to staff from Mr. Fagalde, wherein he declined to follow the Design Review	5 / 2 5 / 2 4
46 Board's recommendation	5/16/14
Letter to Mr. Fagalde, dated July 2, 2014, from Monique Scott, Assistant Property Manager, Cushman and	7/2/44
Wakefield	7/2/14
48 Ms. Klein's observations during a site visit on September 19, 2014, documented with photographs	9/19/14
49 Meeting between BCDC staff and permittees on November 18, 2014 50 Three photographs submitted by Mr. Miller, California Canoe and Kayak, via email on December 8, 2014	11/18/14 12/8/14
Email from Steve Hanson to Julie Braun, dated January 16, 2015. Subject: Public Quarterly Submittal for	12/6/14
51 January through March 31, 2015. Attachment: Pavilion 2014 1st quarter dates January - March 31, 2014	1/16/15
52 Communications between BCDC staff and permittees, dated January 29, February 20, 2015	1/29/15, 2/20/15
Report from Michael Meyer, Director, and Jenni Koidal Cushman & Wakefield of California, Inc., dated	1,23,13,2,20,13
53 March 16, 2015	3/16/15
54 Annual Report - Public Pavilion Usage 2014	3/16/15
55 Design Review Board meeting materials and minutes on April 6, 2015	4/6/15
56 Observations of Keith Miller, California Canoe and Kayak, in an email, dated April 16, 2015	4/16/15
57 Observations of Julie Braun, Port, in an email, dated April 24, 2015 - Duplicate See #18	4/24/15
58 Email, dated April 30, 2015, from Keith Miller	4/30/15
Email between Kelly Hodgins and Jenni Koidal, dated June 9, 2015, at 2:13 p.m. and 5:51 p.m. Subject:	
59 Revisions for 2nd Quarter Pavilion Report from Scott's JLS	6/9/15
60 Email from Kelly Hodgins to Jenni Koidal, dated July 1, 2015. Subject: 3rd quarter Pavilion Report Scott's JLS	7/1/15
Email from Jennifer Koidal, dated July 13, 2015, which includes four 2013 quarterly reports, four 2014	
61 quarterly reports, & three 2015 quarterly reports	7/13/15
62 Keith Miller's and Jennifer Koidal's observations on September 21, 2015	9/21/15
Email from Steve Hanson to Julie Braun, dated January 12, 2016. Subject: Public Quarterly Submittal for	
63 January through March 31, 2015. Attachment: Pavilion 2014 1st quarter dates January - March 31, 2014	1/12/16
64 Communication between Adrienne Klein and 3 staff members of the City of Oakland on February 5, 2016	2/5/16
65 Email from Jenni Koidal to Adrienne Klein, dated June 28, 2016. Subject: BCDC. Attached: 2015 Pavilion Use	6/28/16
Email and 3, 2016 Quarterly Reports from Jennifer Koidal, Vice President and General Manager, CIM Group,	
66 dated July 18, 2016	7/18/16
67 Letter from Jenni Koidal to Adrienne Klein, dated July 18, 2016 and 2015 Annual Report	7/18/16
Letter from Jenni Koidal to Adrienne Klein, dated July 18, 2016 and 2016 Annual Report	7/18/16
69 Annual Report - Public Pavilion Usage 2015 (No Report Attached)	7/18/16
Letter from Jenni Koidal to Adrienne Klein, dated August 1, 2016. Subject and Attached: 1st and 2nd	
70 quarter pavilion use	8/1/16
Photographs taken by Tammy Borichevsky and submitted by Keith Miller on August 15, 2016	8/15/16
Photographs taken and submitted by Tammy Borichevsky and Keith Miller on August 16, 2016	8/16/16
Photographs taken by Robert Howard on August 13, 2016, by Ade Barari on August 14, 2016, and by Mark	- 4 4
73 Madamba on August 15, 16, and 17, 2016, and submitted by Jennifer Koidal, CIM Group, on August 23, 2016	8/23/16
74 October 20, 2016 Enforcement Committee Meeting and Public Hearing Minutes	10/20/16
75 November 3, 2016 Commission Meeting and Public Hearing Minutes	11/3/16
76 Letter and attachments to Marc Zeppetello from Michael P. Verna, Bowles and Verna LLP	12/8/16
Documents Added to the Record After Issuance of the Violation Report	
77 Deposition Subpoena for Production of Business Records issued to Scott's Jack London Seafood, Inc.	12/22/16
78 Port of Oakland Statement of Defense and accompanying documents	1/23/17
Scott's Statement of Defense (including Declarations of Elizabeth Gallagher, Steve Hanson, Michael Verna,	
79 Sandre Swanson, Michelle Lewis, Sally Parsons, and Gina Longmire, and accompanying exhibits)	1/23/17
80 Scott's Jack London Seafood, Inc. Balance Sheets for December 2015 and December 2014	
81 BCDC Letter to the Port of Oakland re: Apparent Violations of BCDC Permit No. 1985.085.00A	7/26/00
82 Scott's Letter to BCDC re: Request Changes to Guidelines for Private Use of Public Pavilion	6/1/01
BCDC Response Letter to Scott's Request for Amendment 11 to BCDC Permit No. 1985.085.00A	6/26/01
Letter to BCDC from The Port of Oakland Environmental Department	3/30/94
BCDC Application Form, Attachment A, Box 5, Project Information	3/30/94
Executive Director's Recommended Enforcement Decision for Proposed Cease and Desist and Civil Penalty	
Order No. CDO 2017.01 Scott's Jack London Seafood, Inc. including exhibits and proposed cease and desist	
86 and civil penalty order	2/3/17
February 16, 2017 Enforcement Committee Meeting and Public Hearing Transcript	2/16/17
Public Comment email from Bob Sikora re: CDO 2017.01 Scott's Jack London Seafood, Inc.	2/5/17
89 Public Comment email from Kristine Kern re: Common Sense - Scott's Fine	2/5/17
Enforcement Committee's Recommended Enforcement Decision including proposed cease and desist and	
90 civil penalty order	2/24/17